

BOARD OF PAROLE HEARINGS
En Banc Decisions
Tuesday, May 20, 2014

ALVARES, CARLOS	K-42144	Referred by Decision Review
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Motion: Disapprove the April 22, 2014, decision and schedule a re-hearing on the next available calendar due to the Board's failure to comply with Penal Code section 3041.5(a)(4).

Motion by: **Garner**

Second by: **Roberts**

Not Present: **Anderson**

Abstained:

Decision: Motion carried.

BOWIE, MICHAEL	P-89470	Penal Code section 1170(e)
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Motion: Recommend to the court that the prisoner's sentence be recalled, or the prisoner be resentenced, based on the Board's finding that the prisoner is terminally ill with an incurable disease that would produce death within six months and the conditions under which the prisoner would be released (to live with a family member) would not pose a threat to public safety.

Motion by: **Labahn**

Second by: **Roberts**

Not Present: **Anderson**

Abstained:

Decision: Motion carried.

Motion: Recommend to the court that the prisoner's sentence be recalled, or the prisoner be resentenced, based on the Board's finding that the prisoner is terminally ill with an incurable disease that would produce death within six months and the conditions under which the prisoner would be released or receive treatment (at a facility run by the Missionaries of Charity) would not pose a threat to public safety.

Motion by: **Garner**
Second by: **Guerrero**
Not Present: **Anderson**
Abstained:
Decision: Motion carried.

Motion: Affirm the July 2, 2013, decision to grant parole based on a finding that the prisoner no longer poses an unreasonable risk of danger to the public, as articulated in the panel's proposed decision.

Motion by: **Labahn**
Second by: **Garner**
Not Present: **Anderson**
Abstained: **Roberts**
Decision: Motion carried.

Motion: Disapprove the April 23, 2014, decision and schedule a re-hearing on the next available calendar due to the Board's failure to comply with Penal Code section 3041.5(a)(4).

Motion by: **Zarrinam**
Second by: **Labahn**
Not Present: **Anderson**
Abstained:
Decision: Motion carried.

Motion: Affirm the February 4, 2014, decision to grant parole based on a finding that the prisoner no longer poses an unreasonable risk of danger to the public, as articulated in the panel's proposed decision.

Motion by: **Roberts**
Second by: **Turner**
Not Present: **Anderson**
Abstained:

Decision: Motion not carried.

Motion: Vacate the panel's February 4, 2014, decision to grant parole and schedule a new hearing on the next available calendar for the reasons stated by the Governor in his May 2, 2014, request for en banc review including the prisoner's shallow and contradictory explanations for committing the life offense and lack of understanding of the gravity of the life offense.

Motion by: **Singh**
Second by: **Richardson**
Not Present: **Anderson**
Abstained:

Decision: Motion not carried.

Motion: Affirm the February 4, 2014, decision to grant parole based on a finding that the prisoner no longer poses an unreasonable risk of danger to the public, as articulated in the panel's proposed decision.

Motion by: **Roberts**
Second by: **Turner**
Not Present: **Anderson**
Abstained:

Decision: Motion carried.

Motion: The Board denies parole for a period of three years for the reasons articulated in the proposed decision of April 23, 2014, based on a de novo review of the record which reflects demonstrable evidence that the prisoner poses an unreasonable risk of danger to the public.

Motion by: **Labahn**
Second by: **Garner**
Not Present: **Anderson, Montes**
Abstained:
Decision: Motion carried.

Motion: Decline to recommend to the court that the prisoner's sentence be recalled or the prisoner be resentenced based on a finding that the prisoner poses a current risk of dangerousness demonstrated by his continued denial of any behavioral problem; continued denial of responsibility; failure to participate in appropriate treatment; and pattern of re-offending upon release.

Motion by: **Singh**
Second by: **Guerrero**
Not Present: **Anderson**
Abstained:
Decision: Motion carried.

Motion: Disapprove the April 29, 2014, decision and schedule a re-hearing on the next available calendar due to the Board's failure to comply with Penal Code section 3041.5(a)(4).

Motion by: **Guerrero**
Second by: **Richardson**
Not Present: **Anderson**
Abstained:
Decision: Motion carried.

HUNTER, EDDIE

E-40056

**TIE VOTE (Penal Code section
3041)**

Motion: The Board finds the inmate poses an unreasonable risk of danger and denies parole for three years for the reasons stated by the panel member who voted to deny parole at the inmate's April 10, 2014, hearing.

Motion by: **Singh**
Second by: **Richardson**
Not Present: **Anderson, Guerrero**
Abstained:
Decision: Motion carried.

HYMES, LANZESTER

D-94875

Referred by Decision Review

Motion: Disapprove the April 29, 2014, decision and schedule a re-hearing on the next available calendar due to the Board's failure to comply with Penal Code section 3041.5(a)(4).

Motion by: **Fritz**
Second by: **Montes**
Not Present: **Anderson**
Abstained:
Decision: Motion carried.

JEFFERSON, ANTHONY

J-58635

Referred by Decision Review

Motion: Disapprove the April 22, 2014, decision and schedule a re-hearing on the next available calendar due to the Board's failure to comply with Penal Code section 3041.5(a)(4).

Motion by: **Zarrinam**
Second by: **Roberts**
Not Present: **Anderson**
Abstained:
Decision: Motion carried.

LIANG, HUO**T-25268****Referred by Decision Review**

Motion: Affirm the February 13, 2014, grant of parole and schedule a re-hearing for the sole purpose of recalculating the prisoner's parole release date.

Motion by: **Richardson**

Second by: **Garner**

Not Present: **Anderson**

Abstained:

Decision: Motion carried.

LOSE, PHILLIP**E-52617****Governor-Referred pursuant to
Penal Code section 3041.1**

Motion: Affirm the panel's January 23, 2014, decision to grant parole based on a finding that the prisoner no longer poses an unreasonable risk of danger to the public, as articulated in the panel's proposed decision.

Motion by: **Roberts**

Second by: **Montes**

Not Present: **Anderson**

Abstained:

Decision: Motion carried.

LY, LUO**T-25079****Referred by Decision Review**

Motion: Affirm the February 13, 2014, grant of parole and schedule a re-hearing for the sole purpose of recalculating the prisoner's parole release date.

Motion by: **Richardson**

Second by: **Roberts**

Not Present: **Anderson**

Abstained:

Decision: Motion carried.

Motion: The Board finds the inmate would not pose an unreasonable risk of danger to the public if released on parole for the reasons stated by the panel member who voted to grant parole at the inmate's April 8, 2014, hearing, and thus grants parole subject to all of the conditions of parole imposed by the granting panel member.

Motion by: **Roberts**
Second by: **Garner**
Not Present: **Anderson, Labahn**
Abstained:
Decision: Motion carried.

Motion: The Board grants parole for the reasons articulated in the proposed decision of April 11, 2014, based on a de novo review of the record which reflects demonstrable evidence that the prisoner no longer poses an unreasonable risk of danger to the public.

Motion by: **Garner**
Second by: **Richardson**
Not Present: **Anderson, Singh**
Abstained:
Decision: Motion carried.

Motion: Disapprove the April 24, 2014, decision and schedule a re-hearing on the next available calendar due to the Board's failure to comply with Penal Code section 3041.5(a)(4).

Motion by: **Roberts**
Second by: **Garner**
Not Present: **Anderson**
Abstained:
Decision: Motion carried.

Motion: Vacate the February 26, 2014, grant of parole due to an error of fact regarding the inmate's institutional behavior and schedule a new parole suitability hearing on the next available calendar.

Motion by: **Zarrinnam**

Second by: **Labahn**

Not Present: **Anderson**

Abstained:

Decision: Motion carried.